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Statement in Support of Raised Bill No. 426, An Act Concerning the Connecticut Uniform Adult Protective Proceedings Jurisdiction Act.

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[On behalf of Members of the Board of Directors and the Public Policy Committee of the Alzheimer's Association, Connecticut Chapter]

The Alzheimer's Association is a donor supported, non-profit organization serving the needs of families, health care professionals, and those individuals who are affected with Alzheimer's disease and related dementias. The Association provides information and resources, support groups, education and training, and a 24 hour, 7 Day a week Helpline.

Both of us are elder law attorneys and we deal on a regular basis with individuals with dementia for whom a conservatorship in Connecticut is sought. We have both been involved in cases in which a parent having dementia became the object of a battle either between or among children seeking to have the parent either stay in Connecticut, move to Connecticut, or be allowed to leave Connecticut.

Connecticut has had a few cases involving multi-state jurisdictional questions among which was the case of Maydelle Trambarulo, which we discussed in testimony submitted in support of a similar bill that was introduced in 2009. Mrs. Trambarulo had resided in New Jersey for close to 50 years and then moved to Delaware where she had lived for one year. She came to Connecticut in 2004 for treatment of Parkinson's Disease. While she was in Connecticut, her husband's niece filed for conservatorship. The Connecticut Probate Judge declined to allow her to return to New Jersey and appointed a permanent conservator in Connecticut. In 2007, Judge Robinson of the Connecticut Superior Court decided that the Connecticut Probate Court did not have jurisdiction over Mrs. Trambarulo and allowed her to leave Connecticut with the transfer of guardianship to an appropriate individual or entity in New Jersey. By this time, she was in a hospice program. Trambarulo v. Whitaker, 2007 WL3038792 [Docket Number: CV064020211S].

Under the proposed law, New Jersey would have been a sufficient connection state and the Connecticut court could have declined jurisdiction because New Jersey would have been a more appropriate forum and because of the unjustifiable conduct of the niece. Thus, Mrs. Trambarulo would not have been trapped in Connecticut for approximately 3 years.

Our National Office has taken a supporting position with regard to the adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act by all states. We attach a copy of the statement by the National Office of the Alzheimer's Association. As pointed out in the statement, the cases involving jurisdictional issues most often revolve around individuals with dementia.

The probate courts in Connecticut have been faced with issues of jurisdiction many of which have been resolved by judges using common sense. However, this is not sufficient when there are families battling and willing to take cases through the appeals process. It is critical in such cases to have a procedure to determine which court, in a multi-state situation, has the right to make decisions. We also recognize that there are times when a move to another jurisdiction is not only appropriate but is in the best interests of the conserved person. This Act puts into place procedures that will accomplish these objectives and hopefully most, if not all, of our sister states will also adopt such a law so that the courts can coordinate their decisions based on the law. Legislatures in at least ten additional states are presently considering adoption of the similar procedures.

Bill No. 426 is the result of discussions among parties who had varying views of certain provisions in a similar bill that was before this Committee last year. The negotiations resulted in the present consensus bill. The Connecticut Chapter of the Alzheimer's Association testified in favor of passage of the 2009 bill and strongly supports Raised Bill No. 426 and urges its passage.